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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

YESENIA PENA, individually and as
Successor in Interest to JESUS
FLORES., deceased; AMBER
TORRES, individually

Plaintiffs,

vs.

CITY OF AZUSA, a municipal entity;
and DOES 1 through 10, inclusive,

Defendant

CASE NO.:

COMPLAINT FOR DAMAGES

- 1. Violations of Civil Rights (42 U.S.C. § 1983) (Based on Unreasonable Use of Deadly Force)**
- 2. Violations of Civil Rights (42 U.S.C. § 1983) (Based on Unconstitutional Policy, Practice, or Custom)**
- 3. Violations of Civil Rights [42 U.S.C. § 1983] (Substantive Due Process)**
- 4. Violations of Civil Rights (Cal. Civ. Code §52.1)**
- 5. Wrongful Death (Based on Battery)**
- 6. Wrongful Death (Based on Negligence)**
- 7. Battery (Cal. Gov't. Code §§815.2(a); 820(a))**
- 8. Negligence (Cal. Gov't. Code §§815.2(a); 820(a))**

DEMAND FOR JURY TRIAL

1 were, residents of the County Los Angeles and State of California. Plaintiffs are
2 further informed and believe, and thereon allege, that at all times relevant to the acts
3 and omissions herein alleged, the heretofore unknown Defendant DOE Officers
4 were police officers employed by the Defendant CITY and the City of Azusa Police
5 Department, and were acting under color of state law and in the course and scope of
6 their employment with the Defendant CITY and the City of Azusa Police
7 Department.

8 8. On or around March 28, 2021, and April 20, 202, timely Claims for
9 damages were submitted to the City of Azusa, in substantial compliance with
10 California Government Code § 910, *et seq.* As of the filing of this Complaint, the
11 March 28, 2022 claim was rejected on April 13, 2022. As of this filing, the April 20,
12 2022 claim has not been denied.

13 9. Plaintiffs are unaware of the true names and capacities of those
14 Defendants named herein as DOE Defendants. Plaintiffs will amend this Complaint
15 to allege said Defendants' true names and capacities when that information becomes
16 known to them. Plaintiffs are informed, believe, and thereon alleges that these DOE
17 Defendants are legally responsible and liable for the incident, injuries, and damages
18 hereinafter set forth, and that each of said Defendants proximately caused the
19 injuries and damages by reason of negligent, careless, deliberately indifferent,
20 intentional, willful, or wanton misconduct, including the negligent, careless,
21 deliberately indifferent, intentional, willful, or wanton misconduct in creating and
22 otherwise causing the incidents, conditions, and circumstances hereinafter set forth,
23 or by reason of direct or imputed negligence or vicarious fault or breach of duty
24 arising out of the matters herein alleged.

25 10. Plaintiffs will seek leave to amend this Complaint to set forth said true
26 name(s) and identities of the unknown named DOE Defendants when they are
27 ascertained.
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1 11. Each of the individual Defendants sued herein is sued both in his
2 individual and personal capacity, as well as in his official capacity.

3 12. Plaintiffs are informed, believes, and thereon alleges that at all times
4 herein mentioned, each of the Defendants was the agent and/or employee and/or co-
5 conspirator of each of the remaining Defendants, and in doing the things hereinafter
6 alleged, was acting within the scope of such agency, employment, and/or conspiracy
7 and with the permission and consent of other co-Defendants.

8 **FACTS COMMON TO ALL COUNTS**

9 13. This claim arises out of a fatal officer-involved shooting which
10 occurred on October 22, 2021, at approximately 5:00 p.m., at or around 229 S.
11 Azusa Ave. in Azusa, California. Plaintiff AMBER TORRES was in the
12 passenger's seat of a vehicle driven by decedent, JESUS FLORES, when Azusa
13 Police Department officers (hereinafter sometimes referred to as ("DOE Officers"))
14 ,while acting under color of state law and within the course and scope of their
15 employment with Defendant CITY and the City of Azusa Police Department,
16 negligently assessed the circumstances that were presented to them, and then
17 violently confronted Plaintiff AMBER TORRES, and Plaintiff YESENIA PENA'S
18 decedent, JESUS FLORES, without having reason to believe that decedent JESUS
19 FLORES, and Plaintiff AMBER TORRES, had committed a crime, or would
20 commit a crime in the future.

21 14. Without warning, the Defendant DOE Officers proceeded to assault
22 and batter decedent, JESUS FLORES and Plaintiff AMBER TORRES, by
23 subjecting them to unreasonable and excessive use of force by repeatedly and
24 unjustifiably shooting their department issued firearms at the vehicle, causing a state
25 created danger, causing fatal injuries to the driver, decedent, JESUS FLORES, and
26 causing the vehicle to plunge into a canal. As a result of the respondent officers'
27 unlawful conduct, Plaintiff AMBER TORRES sustained severe injuries to her body,
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1 including her neck, back, and mind, and JESUS FLORES was inflicted with a
2 gunshot wound to his person. Following the shooting, the involved officers denied
3 medical care to Plaintiff AMBER TORRES, and decedent, JESUS TORRES in a
4 manner that demonstrated deliberate indifference to their constitutional rights. On
5 November 23, 2021, JESUS FLORES, died as a direct and proximate result of the
6 gunshot wound that was inflicted upon his person by the respondent officers.

7 15. At no time during the course of these events did JESUS FLORES, or
8 AMBER TORRES pose any reasonable or credible threat of death or serious bodily
9 injury to the Defendant DOE Officers, nor did they do anything to justify the force
10 that was used against them, and the same was deadly, excessive, unnecessary, and
11 unlawful. Both prior to and during the time in which he was fatally shot, JESUS
12 FLORES posed no reasonable or credible threat of death or serious bodily injury to
13 Defendant DOE Officers, nor to any other individual.

14 16. Both prior to and during the time in which he was shot dead, decedent,
15 JESUS FLORES and Plaintiff AMBER TORRES made no aggressive movements,
16 furtive gestures, or physical movements which would suggest to a reasonable police
17 officer that they had the will, or the ability, to inflict substantial bodily harm upon
18 any individual.

19 17. Both prior to and during the time in which the Defendants DOE
20 Officers shot and killed JESUS FLORES, the Defendant DOE Officers, who fired,
21 were not faced with any circumstances which would have led a reasonable police
22 officer to believe that decedent JESUS FLORES, and Plaintiff AMBER TORRES,
23 posed an immediate threat of death or serious bodily injury to any person.

24 18. After surviving for a significant and appreciable period of time
25 following the shooting, JESUS FLORES died as a direct and proximate result of the
26 gunshot wounds negligently inflicted upon his person by Defendant DOE Officers.
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FOR THE FIRST CAUSE OF ACTION
By Plaintiffs Amber Torres, and Yesenia Pena, as Successor in Interest to
JESUS FLORES, Against Defendant DOE Officers
for Violations of Civil Rights
[42 U.S.C. § 1983]
(Based on Unreasonable Use of Deadly Force)

19. Plaintiffs restate and incorporate by reference the foregoing paragraphs of this Complaint as if set forth in full at this point.

20. This cause of action is brought on behalf of Plaintiff AMBER TORRES, and decedent JESUS FLORES, by and through his Successor in Interest, Plaintiff YESENIA PENA, who would, but for his death, be entitled to bring this cause of action, and is set forth herein to redress the deprivation, under color of statute, ordinance, regulation, policy, custom, practice, and/or usage, of rights, privileges, and/or immunities secured to AMBER TORRES and JESUS FLORES, by the Fourth Amendment to the Constitution of the United States, including, but not limited to, the right to be free from unreasonable governmental seizures of his person.

21. Plaintiffs are informed, believe, and thereon allege that at all times mentioned herein, the Defendant CITY employed the Defendant DOE Officers. The Defendant CITY and the City of Azusa Police Department provided its individual employees and agents, including the Defendants DOE Officers, with official badges and identification cards which designated and described the bearers as employees of the Defendant CITY and the City of Azusa Police Department.

22. At all times relevant to the acts and omissions herein alleged, the Defendant DOE Officers were employed by the Defendant CITY and the City of Azusa Police Department, and were acting under color of state law and in the course and scope of their employment with the Defendant CITY and the City of Azusa Police Department.

1 23. On October 22, 2021, at approximately 5:00 p.m., at or around 229 S.
2 Azusa Ave., in Azusa, California, AMBER TORRES was in the passenger's seat of
3 a vehicle driven by decedent, JESUS FLORES ("Driver") when City of Azusa
4 Police Department DOE Officers while acting under color of state law and within
5 the course and scope of their employment with the City of Azusa and the City of
6 Azusa Police Department, negligently assessed the circumstances that were
7 presented to them, and then violently confronted Plaintiff AMBER TORRES and
8 decedent, JESUS FLORES.

9 24. Without warning, the Defendant DOE Officers proceeded to assault
10 and batter Plaintiff AMBER TORRES and decedent, JESUS FLORES, by acts
11 which included, but were not limited to, repeatedly and unjustifiably discharging
12 their department-issued firearms at the vehicle and at the persons of AMBER
13 TORRES and JESUS FLORES, inflicting gunshot wounds, which proved to be
14 fatal. Following the shooting, the involved officers denied medical care to AMBER
15 TORRES and JESUS FLORES in a manner that demonstrated deliberate
16 indifference to their constitutional rights. After a significant and appreciable period
17 of time had passed following the shooting, on November 23, 2021, JESUS
18 FLORES died as a direct and proximate result of the gunshot wounds inflicted upon
19 his person by the Defendant DOE Officers.

20 25. At no time during the course of these events did AMBER TORRES or
21 decedent, JESUS FLORES pose any reasonable or credible threat of death or serious
22 bodily injury to the Defendant DOE Officers, nor did they do anything to justify the
23 force that was used against him, and the same was deadly, excessive, unnecessary,
24 and unlawful. Both prior to and during the time in which Plaintiff AMBER
25 TORRES was severely injured and decedent was fatally shot, AMBER TORRES
26 and JESUS FLORES posed no reasonable or credible threats of death or serious
27 bodily injury to the Defendant DOE Officers, nor to any other individual. Both prior
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1 to and during the time in which AMBER TORRES was injured and JESUS
2 FLORES was shot, they made no aggressive movements, furtive gestures, or
3 physical movements which would suggest to a reasonable police officer that they
4 had the will, or the ability, to inflict substantial bodily harm upon any individual.
5 Both prior to and during the time in which the Defendant DOE Officers shot at the
6 vehicle and JESUS FLORES, Defendant DOE Officers, who fired, were not faced
7 with any circumstances which would have led a reasonable police officer to believe
8 that AMBER TORRES and JESUS FLORES posed an immediate threat of death or
9 serious bodily injury to any person.

10 26. Plaintiffs are informed, believe, and thereupon allege that in injuring
11 AMBER TORRES and shooting JESUS FLORES, as described in the foregoing
12 paragraphs of this Complaint, Defendant DOE Officers acted outside the scope of
13 their jurisdiction and without authorization of law, and acted willfully, maliciously,
14 knowingly, with reckless disregard and callous indifference to the known
15 consequences of their acts and omissions, and purposefully with the intent to
16 deprive AMBER TORRES and JESUS FLORES of their protected rights and
17 privileges, and did in fact violate the aforementioned rights and privileges, thereby
18 warranting punitive and exemplary damages against Defendant DOE Officers in an
19 amount to be proven at the trial of this matter.

20 27. As a direct and proximate result of the wrongful, intentional, and
21 malicious acts and omissions of Defendant DOE Officers, AMBER TORRES and
22 decedent JESUS FLORES sustained significant physical, mental, and emotional
23 injuries on October 22, 2021. they suffered great mental and physical pain,
24 suffering, anguish, fright, nervousness, anxiety, grief, shock, humiliation, indignity,
25 embarrassment, and apprehension prior in a sum to be determined at trial.

26 28. As a further proximate result of the wrongful, intentional, and
27 malicious acts and omissions of Defendant DOE Officers, AMBER TORRES and
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1 decedent JESUS FLORES were required to employ, and did in fact employ,
2 physicians and surgeons to examine, treat, and care for them, and has incurred and
3 continues to incur expenses for emergent and other medical services, treatment, and
4 care in an amount according to proof at trial.

5 29. Plaintiffs are entitled to and hereby demands costs, attorneys' fees, and
6 expenses pursuant to 42 U.S.C. § 1988.

7 **FOR THE SECOND CAUSE OF ACTION**

8 **(By Plaintiff Amber Torres and Yesenia Prena as Successor in Interest to**
9 **JESUS FLORES, Deceased, Against Defendant CITY OF AZUSA for**
10 **Violations of Civil Rights**
11 **[42 U.S.C. § 1983])**

12 **(Based on an Unconstitutional Policy, Practice, or Custom)**

13 30. Plaintiffs restate and incorporate by reference the foregoing paragraphs
14 of this Complaint as if set forth in full at this point.

15 31. This cause of action is brought on behalf of Plaintiff AMBER
16 TORRES, and decedent JESUS FLORES, by and through his Successor in Interest,
17 Plaintiff YESENIA PENIA, who would, but for his death, be entitled to bring this
18 cause of action, and is set forth herein to redress the deprivation, under color of
19 statute, ordinance, regulation, policy, custom, practice, and/or usage, of rights,
20 privileges, and/or immunities secured to JESUS FLORES by the Fourth
21 Amendment to the Constitution of the United States, including, but not limited to,
22 the right to be free from unreasonable governmental seizures of his person.

23 32. Plaintiffs are informed, believe, and thereon allege that at all times
24 mentioned herein, the Defendant CITY employed the Defendants DOE Officers.
25 The Defendant CITY provided its individual employees and agents, including the
26 Defendant DOE Officers, with official badges and identification cards which
27 designated and described the bearers as employees of the Defendant CITY and the
28 City of Azusa Police Department.

1 33. At all times relevant to the acts and omissions herein alleged, the
2 Defendant DOE Officers were employed by the Defendant CITY and the City of
3 Azusa Police Department, and were acting under color of state law and in the course
4 and scope of their employment with the Defendant CITY and the City of Azusa
5 Police Department.

6 34. As set forth in the foregoing paragraphs of this Complaint, Defendant
7 DOE Officers, while acting under color of law and in the course and scope of their
8 employment with the Defendant CITY and the City of Azusa Police Department,
9 violated the Fourth Amendment rights of decedent JESUS FLORES by acts which
10 included, but were not limited to, unreasonably using deadly and excessive force
11 against AMBER TORRES, and decedent, JESUS FLORES . As described in this
12 Complaint, the shooting of JESUS FLORES was an unconstitutional display of an
13 unreasonable seizure, and of the deadly and excessive use of force, which violated
14 the Fourth Amendment right of JESUS FLORES to be free from unreasonable
15 governmental seizures of his person.

16 35. Plaintiffs are informed and believe, and thereupon alleges, that at all
17 times relevant to the acts and omissions alleged in the foregoing paragraphs of this
18 Complaint, Defendant DOE Officers acted pursuant to a longstanding official
19 practice or custom of the Defendant CITY and the City of Azusa Police Department,
20 through which, prior to October 22, 2021, City of Azusa Police Department officers
21 employed unreasonable and excessive force in a manner that violates civilians'
22 Fourth Amendment rights to be free from the unreasonable use of force with such
23 frequency and regularity that, prior to October 22, 2021, City of Azusa Police
24 Department officers' unreasonable uses of force had become a widespread and well
25 settled practice or custom within the City of Azusa Police Department.

26 36. Plaintiff is further informed and believes, and thereupon alleges, that
27 Defendant DOE Officers shooting of decedent JESUS FLORES, who posed no
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1 reasonable or credible threat of violence to Defendant DOE Officers, nor to any
2 other person, demonstrated that Defendants DOE Officers training were inadequate
3 to allow them to handle the usual and recurring situations faced by City of Azusa
4 Police Department officers, as evidenced by the following specific actions and
5 omissions of Defendant DOE Officers in their response to the subject incident:

6 37. The tactical standard of care for law enforcement agencies similarly
7 situated to the City of Azusa Police Department is for law enforcement officers
8 employed by such agencies to utilize additional officers, departmental personnel,
9 and/or departmental resources to assist them when approaching and/or attempting to
10 arrest and/or detain suspects and/or potential arrestees whom the officers believe
11 may possibly pose a threat to the safety of the officers or third parties. Both prior to
12 and during the time in which Defendant DOE Officers shot and killed decedent
13 JESUS FLORES, they acted in flagrant contravention of this well established
14 standard of care.

15 38 Defendant DOE Officers in their response to the subject incident:
16 The tactical standard of care for law enforcement agencies similarly situated to the
17 City of Azusa Police Department is for law enforcement officers employed by such
18 agencies, whenever possible, to issue commands and warnings that are clear and
19 intelligible to suspects and/or potential arrestees prior to employing deadly force.
20 Both prior to and during the time in which Defendant DOE Officers shot and killed
21 decedent JESUS FLORES, they acted in flagrant contravention of this well
22 established standard of care.

23 39. The tactical standard of care for law enforcement agencies similarly
24 situated to the City of Azusa Police Department is for law enforcement officers
25 employed by such agencies to use all available forms of cover and concealment
26 when confronted with the possibility of using deadly force. Both prior to and during
27 the time in which Defendant DOE Officer severely injured AMBER TORRES shot
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1 and killed decedent JESUS FLORES, they acted in flagrant contravention of this
2 well established standard of care.

3 40. The tactical standard of care for law enforcement agencies similarly
4 situated to the City of Azusa Police Department is for law enforcement officers
5 employed by such agencies to keep a safe distance from suspects whom the officers
6 believe may possibly be armed with a weapon so as to obtain the tactical advantage
7 of distance from a potentially armed threat. Both prior to and during the time in
8 which Defendant DOE Officers severely injured AMBER TORRES and shot and
9 killed decedent JESUS FLORES, they acted in flagrant contravention of this well
10 established standard of care.

11 41. The tactical standard of care for law enforcement agencies similarly
12 situated to the City of Azusa Police Department is for law enforcement officers
13 employed by such agencies to use cover, concealment, distance, additional
14 departmental personnel, available illumination, and available communication to
15 accurately assess the level of the threat posed by a suspect and/or potential arrestee
16 prior to using deadly force. Both prior to and during the time in which Defendant
17 DOE Officers severely injured AMBER TORRES and shot and killed decedent
18 JESUS FLORES, they acted in flagrant contravention of this well established
19 standard of care.

20 42. Plaintiffs are informed and believes, and thereupon alleges, that prior
21 to October 22, 2021, Defendant DOE Officers received training and instruction in
22 police tactics and procedures from the City of Azusa Police Department in ways
23 which included, but were not limited to, their attendance at a police academy, their
24 attendance at departmental briefings, their attendance at mandatory and voluntary
25 training seminars, their attendance at roll call at their respective station(s) prior to
26 their assigned shift(s), their receipt of departmental training manuals, their receipt of
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1 departmental training bulletins, and their receipt of additional departmental
2 correspondence and electronic mails.

3 43. Both prior to and on October 22, 2021, encounters with suspects and
4 civilians, such as decedent JESUS FLORES, were common among City of Azusa
5 Police Department officers similarly situated to Defendant DOE Officers, and such
6 encounters were a recurring situation faced by City of Azusa Police Department
7 officers similarly situated to Defendant DOE Officers.

8 44. Plaintiffs are informed and believe, and thereupon alleges, that those
9 individuals responsible for training Defendant DOE Officers, including, but not
10 limited to, their respective field training deputies, watch commanders, shift
11 commanders, training officers, firearms instructors, defensive tactics instructors,
12 sergeants, captains, lieutenants, higher ranking officers, and authorized policy
13 makers and decision makers within the City of Azusa Police Department, the
14 identities of whom are presently unknown to Plaintiffs, knew, or in the exercise of
15 reasonable diligence should have known, that the obvious consequence of the failure
16 to implement, institute, enact, communicate, teach, and/or cause to be taught the
17 above referenced tactical training to police officers similarly situated to Defendant
18 DOE Officers would be that non-dangerous civilians, such as decedent JESUS
19 FLORES, would suffer constitutional deprivations from the unreasonable and
20 excessive use of deadly force.

21 45. Plaintiffs are informed and believe, and thereupon alleges, that
22 notwithstanding the fact that the training personnel responsible for training
23 Defendant DOE Officers, including, but not limited to, their respective field training
24 officers, watch commanders, shift commanders, training officers, firearms
25 instructors, defensive tactics instructors, sergeants, captains, lieutenants, higher
26 ranking deputies, and authorized policy makers and decision makers within the City
27 of Azusa Police Department, the identities of whom are presently unknown to
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1 Plaintiff, knew, or in the exercise of reasonable diligence should have known, that
2 the obvious consequence of the failure to implement, institute, enact, communicate,
3 teach, and/or cause to be taught the above referenced tactical training to police
4 officers similarly situated to Defendant DOE Officers would be that unarmed and
5 non-dangerous civilians, such as AMBER TORRES and decedent JESUS FLORES,
6 would suffer constitutional deprivations from the unreasonable use of deadly force,
7 said training personnel, and each of them, deliberately and consciously failed to
8 provide adequate tactical training in the above enumerated areas.

9 46. Plaintiff is informed and believes, and thereupon alleges, that the
10 failure of the City of Azusa Police Department to provide adequate training to
11 Defendant DOE Officers, as described in the foregoing paragraphs of this
12 Complaint, caused AMBER TORRES and decedent JESUS FLORES to suffer
13 Fourth Amendment violations resulting from the unreasonable and excessive use of
14 deadly force, as previously described in this Complaint.

15 47. As a direct and proximate result of the wrongful, intentional, and
16 malicious acts and omissions of Defendant DOE Officers, AMBER TORRES was
17 severely injured and decedent JESUS FLORES was shot on October 22, 2021, and
18 suffered great mental and physical pain, suffering, anguish, fright, nervousness,
19 anxiety, grief, shock, humiliation, indignity, embarrassment, and apprehension p, all
20 to his damage in a sum to be determined at trial.

21 48. As a further proximate result of the wrongful, intentional, and
22 malicious acts and omissions of Defendant DOE Officers, AMBER TORRES
23 decedent JESUS FLORES was required to employ, and did in fact employ,
24 physicians and surgeons to examine, treat, and care for him, and have incurred and
25 continues to incur expenses for emergent and other medical services, treatment, and
26 care in an amount according to proof at trial.

1 49. Plaintiffs are entitled to and hereby demands costs, attorneys' fees, and
2 expenses pursuant to 42 U.S.C. § 1988.

3 **FOR THE THIRD CAUSE OF ACTION**

4 **By Plaintiff YESENIA PENA, Individually, against Defendant DOE Officers**
5 **[42 U.S.C. §1983]**

6 **(Deprivations of Substantive Due Process)**

7 50. Plaintiff restates and incorporates by reference the foregoing
8 paragraphs of this Complaint as if set forth in full at this point.

9 51. This cause of action is brought by Plaintiff YESENIA PENA, and is set
10 forth herein to redress the deprivation, under color of statute, ordinance, regulation,
11 policy, custom, practice, and/or usage, of rights, privileges, and/or immunities
12 secured to Plaintiff by the Fourteenth Amendment to the Constitution of the United
13 States, including, but not limited to, Plaintiff's right to substantive due process and
14 privacy, Plaintiff's right to associate with her son, decedent JESUS FLORES,
15 Plaintiff's right to enjoy the care, companionship, familial relationship, and society
16 of her son, JESUS FLORES, and Plaintiff's right to be free from arbitrary and
unreasonable governmental intrusions into her family unit.

17 52. Plaintiff is informed, believes, and thereon alleges that at all times
18 mentioned herein, the Defendant CITY employed the Defendant DOE Officers. The
19 Defendant CITY provided its individual employees and agents, including the
20 Defendant DOE Officers, with official badges and identification cards which
21 designated and described the bearers as employees of the Defendant CITY and the
22 City of Azusa Police Department.

23 53. At all times relevant to the acts and omissions herein alleged, the
24 Defendant DOE Officers were employed by the Defendant CITY and the City of
25 Azusa Police Department, and were acting under color of state law and in the course
26 and scope of their employment with the Defendant CITY and the City of Azusa
27 Police Department.
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1 54. On October 22, 2021, Defendant DOE Officers, while acting under
2 color of state law and in the course and scope of their employment with the
3 Defendant CITY and the City of Azusa Police Department, contacted JESUS
4 FLORES and proceeded to unjustifiably stop and detain JESUS FLORES without
5 having probable cause or reasonable suspicion to believe that he had committed any
6 crime, or would commit a crime in the future.

7 55. At no time during the course of these events did JESUS FLORES pose
8 any reasonable or credible threat of death or serious bodily injury to the Defendant
9 DOE Officers, nor did he do anything to justify the force that was used against him,
10 and the same was deadly, excessive, unnecessary, and unlawful. Both prior to and
11 during the time in which he was fatally shot, JESUS FLORES posed no reasonable
12 or credible threat of death or serious bodily injury to the Defendant DOE Officers,
13 nor to any other individual. Both prior to and during the time in which he was shot
14 dead, JESUS FLORES made no aggressive movements, furtive gestures, or physical
15 movements which would suggest to a reasonable police officer that he had the will,
16 or the ability, to inflict substantial bodily harm upon any individual. Both prior to
17 and during the time in which the Defendant DOE Officers shot and killed JESUS
18 FLORES, the Defendant DOE Officers, who fired, were not faced with any
19 circumstances which would have led a reasonable police officer to believe that
20 JESUS FLORES posed an immediate threat of death or serious bodily injury to any
21 person.

22 56. At all times relevant to the acts and omissions alleged herein, the
23 Defendant DOE Officers were faced with circumstances that allowed time for actual
24 deliberation, and acted with deliberate indifference to the rights and safety of JESUS
25 FLORES and with a conscious disregard of the risks posed to the safety of JESUS
26 FLORES. Additionally, at all times relevant to the acts and omissions alleged
27 herein, the Defendant DOE Officers acted with a purpose to harm unrelated to any
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1 legitimate law enforcement objective when they shot JESUS FLORES. At all times
2 relevant to the acts and omissions alleged herein, the Defendant DOE Officers
3 actions in shooting JESUS FLORES would be considered to "shock the
4 conscience."

5 57. At all times mentioned herein, the Defendant DOE Officers acted under
6 color and pretence of law, and under color of the statutes, ordinances, regulations,
7 policies, practices, customs, and/or usages of the State of California and the
8 Defendant CITY.

9 58. The Defendant DOE Officers deprived the Plaintiff of the rights,
10 privileges, and/or immunities secured to her by the Fourteenth Amendment to the
11 Constitution of the United States and the laws of the United States, including, but
12 not limited to, Plaintiff's right to substantive due process and privacy, Plaintiff's
13 right to associate with her son, JESUS FLORES, Plaintiff's right to enjoy the care,
14 companionship, familial relationship, and society of her son, JESUS FLORES, and
15 Plaintiff's right to be free from

16 59. Plaintiff had a Fourteenth Amendment right to substantive due process
17 and privacy, as well as a Fourteenth Amendment right to associate with her son,
18 JESUS FLORES, a Fourteenth Amendment right to enjoy the care, companionship,
19 familial relationship, and society of her son, JESUS FLORES, and a Fourteenth
20 Amendment right to be free from arbitrary and unreasonable governmental
21 intrusions into her family unit. All of these rights and privileges were secured to
22 Plaintiffs by the provisions of the Fourteenth Amendment to the United States
23 Constitution, and by 42 U.S.C. § 1983. All of these interests were implicated by the
24 wrongful conduct of the Defendant DOE Officers, which proximately caused the
25 death of JESUS FLORES.

26 60. Plaintiff is informed, believes, and thereupon alleges, that in
27 unreasonably seizing the person of decedent JESUS FLORES, as described in the
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1 foregoing paragraphs of this Complaint, Defendant DOE Officers acted outside the
 2 scope of their jurisdiction and without authorization of law, and acted willfully,
 3 maliciously, knowingly, with reckless disregard and callous indifference to the
 4 known consequences of their acts and omissions, and purposefully with the intent to
 5 deprive Plaintiff of her federally protected rights and privileges, and did in fact
 6 violate the aforementioned rights and privileges, thereby warranting punitive and
 7 exemplary damages against Defendant DOE Officers in an amount to be proven at
 8 the trial of this matter.

9 61. As a direct and proximate result of the wrongful, intentional, and
 10 malicious acts and omissions of Defendant DOE Officers, Plaintiff suffered great
 11 mental and physical pain, suffering, anguish, fright, nervousness, anxiety, grief,
 12 shock, humiliation, indignity, embarrassment, and apprehension in a sum to be
 13 determined at trial.

14 62. As a further proximate result of the wrongful, intentional, and
 15 malicious acts and omissions of Defendant DOE Officers, Plaintiff was required to
 16 employ, and did in fact employ, physicians and surgeons to examine, treat, and care
 17 for them, and have incurred and continues to incur expenses for emergent and other
 18 medical services, treatment, and care in an amount according to proof at trial.

19 63. Plaintiff is entitled to and hereby demands costs, attorneys' fees, and
 20 expenses pursuant to 42 U.S.C. § 1988.

21 **FOURTH CAUSE OF ACTION**

22 **By Plaintiff AMBER TORRES, and YESENIA PENIA as Successor in**
 23 **Interest to JESUS FLORES Deceased, CITY OF AZUSA and DOES 1-10 for**
Violations of Civil Rights

24 **[Cal. Civil Code § 52.1 - Tom Bane Civil Rights Act]**

25 64. Plaintiffs restate and incorporate by reference the foregoing paragraphs
 26 of this Complaint as if set forth in full at this point.

27 65. All claims asserted herein against the Defendant CITY are presented
 28 pursuant to the Defendant CITY's vicarious liability for acts and omissions of

1 municipal employees undertaken in the course and scope of their employment
2 pursuant to California Government Code §§ 815.2(a) and 820(a).

3 66. This cause of action is brought on behalf of decedent JESUS FLORES,
4 by and through his Successor in Interest, Plaintiffs YESENIA PENA, who would,
5 but for his death, be entitled to bring this cause of action, and is set forth herein to
6 redress the deprivation of rights, privileges, and/or immunities secured to JESUS
7 FLORES by the laws of the United States and the United States Constitution, and
8 the laws of the State of California, including California Civil Code § 52.1 and the
9 California Constitution.

10 67. At approximately 5:00 p.m. on October 22, 2021, Defendant DOE
11 Officers, while acting under color of state law and in the course and scope of their
12 employment with the Defendant CITY and the City of Azusa Police Department,
13 contacted AMBER TORRES and decedent, JESUS FLORES, at or around 229 S.
14 Azusa Ave. in Azusa, California, and proceeded to unjustifiably detain AMBER
15 TORRES and JESUS FLORES, without having probable cause or reasonable
16 suspicion to believe that they had committed any crime, or would commit a crime in
17 the future. Without warning, the Defendant DOE Officers proceeded to assault and
18 batter AMBER TORRES and decedent, JESUS FLORES, by acts which included,
19 but were not limited to, repeatedly and unjustifiably discharging their department-
20 issued firearms at the vehicle and at the person of JESUS FLORES, inflicting
21 injuries and gunshot wounds, which proved to be fatal.

22 68. As a direct and proximate result of the above-mentioned conduct of the
23 Defendant DOE Officers, and each of them, AMBER TORRES sustained severe
24 injuries to her body, including her neck, back, and mind, and decedent, JESUS
25 FLORES was shot on October 22, 2021. After surviving for an appreciable period of
26 time following the shooting, JESUS FLORES died as a direct and proximate result
27 of the gunshot wounds inflicted upon his person by the Defendant DOE Officers.
28

1 69. At no time during the course of these events did AMBER TORRES or
2 JESUS FLORES pose any reasonable or credible threat of death or serious bodily
3 injury to the Defendant DOE Officers, nor did they do anything to justify the force
4 that was used against them,, and the same was deadly, excessive, unnecessary, and
5 unlawful. Both prior to and during the time in which they were injured, AMBER
6 TORRES and JESUS FLORES posed no reasonable or credible threat of death or
7 serious bodily injury to the Defendant DOE Officers, nor to any other individual.
8 Both prior to and during the time in which they were injured, they made no
9 aggressive movements, furtive gestures, or physical movements which would
10 suggest to a reasonable police officer that they had the will, or the ability, to inflict
11 substantial bodily harm upon any individual. Both prior to and during the time in
12 which the Defendant DOE Officers injured AMBER TORRES and ultimately killed
13 JESUS FLORES, the Defendant DOE Officers, who fired, were not faced with any
14 circumstances which would have led a reasonable police officer to believe that
15 AMBER TORRES and JESUS FLORES posed an immediate threat of death or
16 serious bodily injury to any person.

17 70. California Civil Code § 52.1 (the Bane Act) prohibits any person from
18 using violent acts or threatening to commit violent acts in retaliation against another
19 person for exercising that person's constitutional rights.

20 71. Plaintiffs are informed, believes, and thereon alleges that the Defendant
21 OFFICERS, while acting under color of state law and in the course and scope of
22 their employment with the Defendant CITY and the City of Azusa Police
23 Department, intentionally committed, and attempted to commit, acts of violence
24 against AMBER TORRES and JESUS FLORES, and/or acted in reckless disregard
25 of AMBER TORRES and JESUS FLORES's civil rights, by repeatedly
26 discharging their department-issued firearms at the vehicle driven by decedent
27 JESUS FLORES, and his person, without justification or excuse.
28

1 72. When the Defendant DOE Officers shot AMBER TORRES and JESUS
2 FLORES, they interfered with their civil rights, including their right to be free from
3 unreasonable governmental seizures of their person, their right to due process, their
4 right to equal protection of the laws, their right to be free from state actions that
5 shock the conscience, and their right to life, liberty, and property.

6 73. Plaintiffs are informed, believe, and thereon alleges that the Defendant
7 DOE Officers intentionally and spitefully committed the above described acts to
8 discourage AMBER TORRES and JESUS FLORES from exercising his civil rights,
9 retaliate against AMBER TORRES and JESUS FLORES for invoking their civil
10 rights, and/or prevent AMBER TORRES and JESUS FLORES from exercising their
11 civil rights, and/or acted in reckless disregard of AMBER TORRES and JESUS
12 FLORES civil rights, which he was fully entitled to enjoy.

13 74. Plaintiffs are informed, believe, and thereon allege that AMBER
14 TORRES and JESUS FLORES reasonably believed and understood that the violent
15 acts committed by the Defendant DOE Officers were intended to discourage them
16 from exercising his above described civil rights, retaliate against him for invoking
17 his above described civil rights, and/or prevent them from exercising his above
18 described civil rights.

19 75. Plaintiffs are informed, believe, and thereon allege that the Defendant
20 DOE Officers successfully interfered with the above described civil rights of
21 AMBER TORRES and JESUS FLORES

22 76. The wrongful, intentional, and malicious conduct of the Defendant
23 DOE Officers described herein was a substantial factor in causing AMBER
24 TORRES and JESUS FLORES harms, losses, injuries, and damages.

25 77. Plaintiffs are informed, believe, and thereupon alleges that in
26 intentionally committing and attempted to commits acts of violence against AMBER
27 TORRES and JESUS FLORE, and/or in acting in reckless disregard of AMBER
28

1 TORRES and JESUS FLORES' civil rights, and thereby interfering with AMBER
 2 TORRES and JESUS FLORES civil rights, as described in the foregoing paragraphs
 3 of this Complaint, the Defendant DOE Officers acted outside the scope of their
 4 jurisdiction and without authorization of law, and acted willfully, maliciously,
 5 knowingly, with reckless disregard and callous indifference to the known
 6 consequences of their acts and omissions, and purposefully with the intent to
 7 deprive them of their protected rights and privileges, and did in fact violate the
 8 aforementioned rights and privileges, thereby warranting punitive and exemplary
 9 damages against the Defendant DOE Officers in an amount to be proven at the trial
 10 of this matter.

11 78. As a direct and proximate result of the wrongful, intentional, and
 12 malicious acts and omissions of the Defendant DOE Officers, AMBER TORRES
 13 and JESUS FLORES suffered great mental and physical pain, suffering, and
 14 anguish, fright, nervousness, anxiety, grief, shock, humiliation, indignity,
 15 embarrassment, apprehension, and loss of enjoyment of life, all to their damage in a
 16 sum to be determined at trial.

17 79. As a further proximate result of the wrongful, intentional, and
 18 malicious acts and omissions of the Defendant DOE Officers, AMBER TORRES
 19 and JESUS FLORES were required to employ, and did in fact employ, health care
 20 providers and/or medical practitioners to examine, treat, and care for them and
 21 incurred expenses for emergent medical services and medical treatment and care p
 22 in an amount according to proof at trial.

23 **FIFTH CAUSE OF ACTION**

24 **Plaintiff YESENIA PENA, Individually**

25 **Defendant City of Azusa and Does 1-10 for Wrongful Death**

26 **[Cal. Gov't. Code §§815.2(a); 820(a); and Cal. Civ. Code §43]**

27 **(Based on Battery)**

28 80. Plaintiffs restate and incorporate by reference the foregoing paragraphs
 of this Complaint as if set forth in full at this point.

1 81. All claims asserted herein against the Defendant CITY are presented
2 pursuant to the CITY's vicarious liability for acts and omissions of municipal
3 employees undertaken in the course and scope of their employment pursuant to
4 California Government Code §§ 815.2(a) and 820(a).

5 82. At approximately 5: 00p.m. on October 22, 2021, Plaintiff's decedent,
6 JESUS FLORES was operating a motor vehicle at or around 229 S. Azusa Ave. in
7 Azusa, California when the heretofore unknown Defendant DOE Officers, while
8 acting under color of state law and in the course and scope of their employment with
9 the Defendant CITY and the City of Azusa Police Department, violently confronted
10 JESUS FLORES and AMBER TORRES.

11 83. Without warning, the Defendant DOE Officers proceeded to assault
12 and batter decedent JESUS FLORES by acts which included, but were not limited
13 to, repeatedly and unjustifiably discharging their department-issued firearms at the
14 vehicle being operated by JESUS FLORES , inflicting several gunshot wounds,
15 which proved to be fatal.

16 84. As a direct and proximate result of the above-mentioned conduct of the
17 Defendant DOE Officers, and each of them, decedent JESUS FLORES was shot on
18 October 22, 2022. After surviving for an appreciable period of time following the
19 shooting, JESUS FLORES died as a direct and proximate result of the gunshot
20 wounds inflicted upon his person by the Defendant DOE Officers. At no time during
21 the course of these events did JESUS FLORES pose any reasonable or credible
22 threat of violence to the shooting officers, nor did he do anything to justify the force
23 used against him, and the same was deadly, excessive, unnecessary, and unlawful.

24 85. Both prior to and during the time in which he was fatally shot,
25 decedent JESUS FLORES was not armed with any kind of weapon, and posed no
26 reasonable or credible threat of violence to the heretofore unknown Defendant DOE
27 Officers who shot him, nor to any other individual. Both prior to and during the time
28

1 in which he was shot dead, JESUS FLORES made no aggressive movements, no
2 furtive gestures, and no physical movements which would suggest to a reasonable
3 police officer that he was armed with any kind of weapon, or had the will, or the
4 ability to inflict substantial bodily harm against any individual. Both prior to and
5 during the time in which the Defendant DOE Officers shot and killed JESUS
6 FLORES, the Defendant DOE Officers, who fired, were not faced with any
7 circumstances which would have led a reasonable police officer to believe that
8 JESUS FLORES posed the risk of death or serious bodily injury to any person.

9 86. Plaintiff is informed and believes, and thereupon alleges, that in using
10 deadly force against decedent JESUS FLORES, the Defendant DOE Officers acted
11 contrary to and violated the policies of the City of Azusa Police Department by
12 using deadly force against a suspect in a motor vehicle in a manner proscribed by
13 the policies of the City of Azusa Police Department.

14 87. Plaintiff is informed, believes, and thereupon alleges, that in shooting
15 decedent JESUS FLORES, as described in the foregoing paragraphs of this
16 Complaint, the Defendant DOE Officers acted outside the scope of their jurisdiction
17 and without authorization of law, and acted willfully, maliciously, knowingly, with
18 reckless disregard and callous indifference to the known consequences of their acts
19 and omissions, and purposefully with the intent to deprive JESUS FLORES of his
20 protected rights and privileges, and did in fact violate the aforementioned rights and
21 privileges, thereby warranting punitive and exemplary damages against the
22 Defendant DOE Officers in an amount to be proven at the trial of this matter.

23 88. As a direct and proximate result of the above-described conduct of the
24 Defendants, and each of them, and the ensuing death of decedent JESUS FLORES,
25 JESUS FLORES's heir, the Plaintiff herein, has sustained substantial economic and
26 non-economic damages resulting from the loss of the love, companionship, comfort,
27 care, assistance, protection, affection, society, moral support, training, guidance,
28

1 services, earnings, and support of JESUS FLORES in an amount according to proof
2 at trial.

3 89. As a further proximate result of the above-described conduct of the
4 Defendants, and each of them, and the ensuing death of decedent JESUS FLORES,
5 Plaintiff has incurred funeral and burial expenses in an amount according to proof at
6 trial.

7 **SIXTH CAUSE OF ACTION**
8 **By Plaintiff YESENIA PENA, Individually**
9 **Against Defendant City of Azusa and Does 1-10 for Wrongful Death**
10 **[Cal. Gov't. Code §§815.2(a); 820(a)]**
11 **(Based on Negligence)**

12 90. Plaintiffs restate and incorporate by reference the foregoing paragraphs
13 of this Complaint as if set forth in full at this point.

14 91. All claims asserted herein against the Defendant CITY are presented
15 pursuant to the Defendant CITY's vicarious liability for acts and omissions of
16 municipal employees undertaken in the course and scope of their employment
17 pursuant to California Government Code §§ 815.2(a) and 820(a).

18 92. At approximately 5:00 p.m. on October 22, 2021, Plaintiff's decedent,
19 JESUS FLORES, was operating a motor vehicle at or around 229 S. Azusa Ave. in
20 Azusa, California, when the heretofore unknown Defendant DOE Officers, while
21 acting under color of state law and in the course and scope of their employment with
22 the Defendant CITY and the City of Azusa Police Department, negligently assessed
23 the circumstances presented to them, and then violently confronted JESUS
24 FLORES.

25 93. Without warning, the Defendant DOE Officers proceeded to
26 negligently discharge their department-issued firearms at the person of decedent
27 JESUS FLORES, inflicting several gunshot wounds, which proved to be fatal. After
28 surviving for an appreciable period of time following the shooting, JESUS FLORES
died as a direct and proximate result of the gunshot wounds negligently inflicted

1 upon his person by the Defendant DOE Officers. At no time during the course of
2 these events did JESUS FLORES pose any reasonable or credible threat of violence
3 to the shooting officers, nor did he do anything to justify the force used against him,
4 and the same was deadly, excessive, unnecessary, and unlawful.

5 94. Both prior to and during the time in which he was fatally shot,
6 decedent JESUS FLORES was not armed with any kind of weapon, and posed no
7 reasonable or credible threat of violence to the heretofore unknown Defendant DOE
8 Officers who shot him, nor to any other individual. Both prior to and during the time
9 in which he was shot dead, JESUS FLORES made no aggressive movements, no
10 furtive gestures, and no physical movements which would suggest to a reasonable
11 police officer that he was armed with any kind of weapon, or had the will, or the
12 ability to inflict substantial bodily harm against any individual. Both prior to and
13 during the time in which the Defendant DOE Officers shot and killed JESUS
14 FLORES, the Defendant DOE Officers, who fired, were not faced with any
15 circumstances which would have led a reasonable police officer to believe that
16 JESUS FLORES posed the risk of death or serious bodily injury to any person.

17 95. Plaintiffs are informed and believe, and thereupon allege, that in using
18 deadly force against decedent JESUS FLORES, the Defendant DOE Officers acted
19 contrary to and violated the policies of the City of Azusa Police Department by
20 using deadly force against a suspect in a motor vehicle in a manner proscribed by
21 the policies of the City of Azusa Police Department.

22 96. Plaintiffs are informed and believe, and thereupon allege, that on and
23 before October 22, 2021, the Defendant DOE Officers had a duty to exercise the
24 reasonable and ordinary care which would be expected of similarly situated peace
25 officers in the use of deadly force, and had a duty to exercise the reasonable and
26 ordinary care which would be expected of similarly situated peace officers in the
27 execution of police tactics and police procedures in approaching and/or attempting
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1 to detain civilians and suspects who do not pose a risk of death or serious bodily
2 injury to any person. Notwithstanding each of these duties, the Defendant DOE
3 Officers failed to exercise reasonable and ordinary care in committing the acts
4 alleged herein, by actions and inactions which include, but are not limited to,
5 negligently failing to utilize additional departmental resources during the detention
6 of decedent JESUS FLORES, negligently failing to utilize available forms of cover
7 and concealment during the detention arrest of JESUS FLORES, negligently failing
8 to maintain a position of tactical advantage during the detention of JESUS FLORES,
9 negligently failing to communicate and/or effectively
10 communicate with one another and with other departmental personnel and resources
11 during the detention of JESUS FLORES, negligently failing to utilize less lethal
12 force options and other alternatives less intrusive than deadly force during the
13 detention of JESUS FLORES, negligently failing to deescalate the situation
14 involving JESUS FLORES, negligently employing a tactical response to the
15 situation involving JESUS FLORES that resulted in the unnecessary and
16 preventable shooting of JESUS FLORES, negligently employing deadly force
17 against an individual in contravention of the policies of the City of Azusa Police
18 Department, negligently failing to determine the fact that JESUS FLORES posed no
19 immediate threat of death or serious bodily injury to any person when he was shot
20 and killed, negligently inflicting physical injury upon JESUS FLORES, as described
21 herein, and negligently employing deadly force against JESUS FLORES when the
22 same was unnecessary and unlawful. All of these negligent acts proximately caused
23 JESUS FLORES's death on November 23, 2021.

24 97. As a proximate result of the above-described conduct of the
25 Defendants, and each of them, JESUS FLORES was shot, and ultimately died from
26 the gunshot wounds November 23, 2021.
27
28

1 98. As a direct and proximate result of the death of decedent JESUS
 2 FLORES and the above-described conduct of the Defendants, and each of them,
 3 JESUS FLORES's heir, the Plaintiff herein, have sustained substantial economic
 4 and non-economic damages resulting from the loss of the love, companionship,
 5 comfort, care, assistance, protection, affection, society, moral support, training,
 6 guidance, services, earnings, and support of JESUS FLORES in an amount
 7 according to proof at trial.

8 99. As a further proximate result of the above-described conduct of the
 9 Defendants, and each of them, and the ensuing death of decedent JESUS FLORES,
 10 Plaintiff has incurred funeral and burial expenses in an amount according to proof at
 11 trial.

12 **SEVENTH CAUSE OF ACTION**

13 **By Plaintiff AMBER TORRES, Individually** 14 **Against Defendant City of Azusa and Does 1-10 for Battery** **[Cal. Gov't. Code §§815.2(a); 820(a)]**

15 100. Plaintiff restates and incorporates by reference the foregoing
 16 paragraphs of this Complaint as set forth in full at this point.

17 101. All claims asserted herein against the Defendant CITY are presented
 18 pursuant to the CITY's vicarious liability for acts and omissions of municipal
 19 employees undertaken in the course and scope of their employment pursuant to
 20 California Government Code §§ 815.2(a) and 820(a).

21 102. Plaintiff is informed, believes, and thereupon alleges, that in shooting at
 22 the vehicle, as described in the foregoing paragraphs of this Complaint, the
 23 Defendant DOE Officers acted outside the scope of their jurisdiction and without
 24 authorization of law, and acted willfully, maliciously, knowingly, with reckless
 25 disregard and callous indifference to the known consequences of their acts and
 26 omissions, and purposefully with the intent to deprive AMBER TORRES of her
 27 protected rights and privileges, and did in fact violate the aforementioned rights and
 28

1 privileges, thereby warranting punitive and exemplary damages against the
2 Defendant DOE Officers in an amount to be proven at the trial of this matter.

3 103. As a direct and proximate result of the above-described conduct of the
4 Defendants, and each of them, and the ensuing severe injuries to AMBER TORRES,
5 she was place in great fear for her life and physical well being, and has suffered and
6 continues to suffer extreme and severe mental anguish, as well as great mental and
7 physical pain and injury, all to her damage in a sum to be determined at trial.

8 104. As a further proximate result of the wrongful, intentional, and
9 malicious acts and omissions of Defendant Officers, Plaintiff AMBER TORRES has
10 been required to employ, and did in fact employ, physicians to examine, treat and
11 care for her, and has incurred and continues to incur expenses for emergent and
12 other medical services, treatment, and care in an amount according to proof at trial.

13 **EIGHTH CAUSE OF ACTION**

14 **By Plaintiff AMBER TORRES, Individually**
15 **Against Defendant City of Azusa and Does 1-10 for Negligence**
16 **[Cal. Gov't. Code §§815.2(a); 820(a)]**

17 105. Plaintiff restates and incorporates by reference the foregoing
18 paragraphs of this Complaint as set forth in full at this point.

19 106. All claims asserted herein against the Defendant CITY are presented
20 pursuant to the CITY's vicarious liability for acts and omissions of municipal
21 employees undertaken in the course and scope of their employment pursuant to
22 California Government Code §§ 815.2(a) and 820(a).

23 107. As a direct and proximate result of the above-described conduct of the
24 Defendants, and each of them, and the ensuing severe injuries to AMBER TORRES,
25 she was place in great fear for her life and physical well being, and has suffered and
26 continues to suffer extreme and severe mental anguish, as well as great mental and
27 physical pain and injury, all to her damage in a sum to be determined at trial.

28 108. As a further proximate result of the wrongful, intentional, and
malicious acts and omissions of Defendant Officers, Plaintiff AMBER TORRES has

1 been required to employ, and did in fact employ, physicians to examine, treat and
2 care for her, and has incurred and continues to incur expenses for emergent and
3 other medical services, treatment, and care in an amount according to proof at trial.

4 **WHEREFORE**, Plaintiffs pray for judgment against Defendants as follows:

- 5 1. For funeral and burial related expenses according to proof at trial;
- 6 2. For medical and related expenses according to proof at trial;
- 7 3. For general and exemplary damages in an amount according to proof at
8 trial;
- 9 4. For costs of suit incurred herein; and
- 10 5. For such other and further relief as the Court deems just and proper.
- 11 6. For attorneys; fees incurred herein, as provided by law;
- 12 7. For punitive damages against the individual Defendants in their
13 individual capacities in an amount according to proof at trial; and
- 14 8. For such other and further relief as the Court deems just and proper.

15 **JURY DEMAND**

16 Plaintiffs hereby demand that a jury be impaneled for the trial of this matter.

17
18 Respectfully submitted,

19 DATED: October 13, 2022

THE COCHRAN FIRM CALIFORNIA

20
21
22 By: /s/Brian T. Dunn

23 BRIAN T. DUNN

24 TIMAIAH SMITH

25 Attorneys for Plaintiffs
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27
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